

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	File Number EB-03-TP-441
	)	
Rony Richard Louis	)	NAL/Acct. No.200432700010
600 W. Oak Ridge Road, Bldg. 3	)	
Orlando, Florida	)	FRN 0010339414
	)	

**NOTICE OF APPARENT LIABILITY FOR FORFEITURE**

**Released:** March 3, 2004

By the Enforcement Bureau, Tampa Office:

**I. INTRODUCTION**

1. In this Notice of Apparent Liability for Forfeiture (“NAL”), we find Rony Richard Louis (“Mr. Louis”) apparently liable for a forfeiture in the amount of ten thousand dollars (\$10,000) for willful and repeated violation of Section 301 of the Communications Act of 1934, as amended (“Act”).<sup>1</sup> Specifically, we find Mr. Louis apparently liable for operating a radio station on the frequency of 89.5 MHz without Commission authorization.

**II. BACKGROUND**

2. On October 24, 2003, the FCC Enforcement Bureau Tampa Field Office (“Tampa Office”) received two reports of an unlicensed FM radio station operating on the frequency 89.5 MHz in the Orlando, Florida area.

3. On November 4, 2003, two agents from the Tampa Office drove an FCC direction finding vehicle to the Orlando, Florida area and observed an FM radio station broadcasting on 89.5 MHz. Using direction finding equipment and techniques, the agents determined that the station was broadcasting from a commercial building with a sign reading Rapide Transfert, located at 600 W. Oakridge Road, Building 3, Orlando, Florida. The agents saw an FM broadcast type antenna mounted on the roof of the building. The agents took field strength measurements of the station’s signal and determined that the station required a license to operate.<sup>2</sup> The FCC’s records showed no license had been issued for this operation.

4. Immediately after locating the station, the agents inspected the station broadcasting on 89.5

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<sup>1</sup> 47 U.S.C. § 301.

<sup>2</sup> Section 15.239 of the Commission’s Rules, 47 C.F.R. § 15.239, provides that non-licensed broadcasting in the 88-108 MHz band is permitted only if the field strength of the transmissions does not exceed 250 µV/m at three meters. Measurements showed that the field strength of the station’s signal exceeded the permissible level for a non-licensed low-power radio transmitter by 110,153 times.

MHz shortly after midnight on November 5, 2003. The station was operated by Mr. Rony Richard Louis. Mr. Louis was the only person present inside the building at the time. Mr. Louis received a verbal and written warning of unlicensed radio operation. Mr. Louis led the agents to the transmitter and voluntarily surrendered the transmitter to the agents.

5. On January 15, 2004, two agents from the Tampa Office drove an FCC direction finding vehicle to the Orlando, Florida area and observed an FM radio station operating on 89.5 MHz. Using direction finding equipment and techniques, the agents determined that the station was broadcasting from a commercial building with a sign reading Rapide Transfert, located at 600 W. Oakridge Road, Building 3, Orlando, Florida, the same location as on November 4 and 5, 2003. The agents saw an FM broadcast type antenna mounted on the roof of the building. The agents took field strength measurements of the station's signal and determined that the station required a license to operate.<sup>3</sup> The FCC's records showed no license had been issued for this operation. A vehicle registered to Mr. Louis was parked in front of the building. This same vehicle was present during the November 5, 2003, inspection.

7. On January 16, 2004, the Tampa Office agents returned to 600 W. Oakridge Road, Building 3 in Orlando, Florida and spoke to Mr. Louis. Mr. Louis denied having any transmitter at that location. The agents noted that the antenna was still located on the premises and that the end of the coax cable from the antenna entered the space occupied by Mr. Louis. The agents also interviewed the building owner who stated that Mr. Louis leased the space in Building 3.

### III. DISCUSSION

8. Section 301 of the Act requires that no person shall use or operate any apparatus for the transmission of energy of communications or signals by radio within the United States except under and in accordance with the Act and with a license. On November 4, 2003 and January 15, 2004, Mr. Louis operated radio transmitting equipment on the frequency 89.5 MHz without the required Commission authorization.

9. Based on the evidence before us, we find Mr. Louis willfully<sup>4</sup> and repeatedly<sup>5</sup> violated Section 301 of the Act by operating a radio transmission apparatus without a license.

10. Pursuant to Section 1.80(b)(4) of the Rules,<sup>6</sup> the base forfeiture amount for operation

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<sup>3</sup> *Id.* Measurements showed that the field strength of the station's signal exceeded the permissible level for a non-licensed low-power radio transmitter by 26,927 times.

<sup>4</sup> Section 312(f)(1) of the Act, 47 U.S.C. § 312(f)(1), which applies to violations for which forfeitures are assessed under Section 503(b) of the Act, provides that "[t]he term 'willful', when used with reference to the commission or omission of any act, means the conscious and deliberate commission or omission of such act, irrespective of any intent to violate any provision of this Act . . . ." See *Southern California Broadcasting Co.*, 6 FCC Rcd 4387-88 (1991).

<sup>5</sup> Section 312(f)(2) of the Act, 47 U.S.C. § 312(f)(2), which applies equally to Section 503(b) of the Act, provides that "[t]he term 'repeated,' when used with reference to the commission or omission of any act, means the commission or omission of such act more than once or, if such commission or omission is continuous, for more than one day."

<sup>6</sup> 47 C.F.R. § 1.80(b)(4).

without an instrument of authorization for the service is \$10,000. In assessing the monetary forfeiture amount, we must also take into account the statutory factors set forth in Section 503(b)(2)(D) of the Communications Act of 1934, as amended (“Act”), which include the nature, circumstances, extent, and gravity of the violation, and with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other such matters as justice may require.<sup>7</sup> Considering the entire record and applying the factors listed above, this case warrants a \$10,000 forfeiture.

#### **IV. ORDERING CLAUSES**

11. Accordingly, IT IS ORDERED THAT, pursuant to Section 503(b) of the Act,<sup>8</sup> and Sections 0.111, 0.311 and 1.80 of the Rules,<sup>9</sup> Rony Richard Louis is hereby NOTIFIED of this APPARENT LIABILITY FOR A FORFEITURE in the amount of ten thousand dollars (\$10,000) for willful and repeated violation of Section 301 of the Act by operating radio transmitting equipment on the frequency 89.5 MHz without benefit of the required Commission authorization.

12. IT IS FURTHER ORDERED THAT, pursuant to Section 1.80 of the Rules, within thirty days of the release date of this NAL, Rony Richard Louis SHALL PAY the full amount of the proposed forfeiture or SHALL FILE a written statement seeking reduction or cancellation of the proposed forfeiture.

13. Payment of the forfeiture may be made by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note the NAL/Acct. No. and FRN referenced above. Requests for payment of the full amount of this NAL under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.<sup>10</sup>

14. The response, if any, must be mailed to Federal Communications Commission, Office of the Secretary, 445 12<sup>th</sup> Street SW, Washington DC 20554, Attn: Enforcement Bureau, Spectrum Enforcement Division and MUST INCLUDE THE NAL/Acct. No. referenced above.

15. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices (“GAAP”); or (3) some other reliable and objective documentation that accurately reflects the petitioner’s current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

16. Under the Small Business Paperwork Relief Act of 2002, Pub L. No. 107-198, 116 Stat. 729 (June 28, 2002), the FCC is engaged in a two-year tracking process regarding the size of entities

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<sup>7</sup> 47 U.S.C. § 503(b)(2)(D).

<sup>8</sup> 47 U.S.C. § 503(b).

<sup>9</sup> 47 C.F.R. §§ 0.111, 0.311, 1.80.

<sup>10</sup> See 47 C.F.R. § 1.1914.

involved in forfeitures. If you qualify as a small entity and if you wish to be treated as a small entity for tracking purposes, please so certify to us within thirty (30) days of this NAL, either in your response to the NAL or in a separate filing to be sent to the Spectrum Enforcement Division. Your certification should indicate whether you, including your parent entity and its subsidiaries, meet one of the definitions set forth in the list provided by the FCC's Office of Communications Business Opportunities (OCBO) set forth in Attachment A of this Notice of Apparent Liability. This information will be used for tracking purposes only. Your response or failure to respond to this question will have no effect on your rights and responsibilities pursuant to Section 503(b) of the Communications Act. If you have questions regarding any of the information contained in Attachment A, please contact OCBO at (202) 418-0990.

17. IT IS FURTHER ORDERED THAT a copy of this NAL shall be sent by regular mail and Certified Mail Return Receipt Requested to Rony Richard Louis, 600 W. Oakridge Road, Building 3, Orlando, FL 32809.

FEDERAL COMMUNICATIONS COMMISSION

Ralph M. Barlow  
Tampa Field Office, Enforcement Bureau

Attachment